

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 10/04/2016
JUDICIAL OFFICER: Kevin DeNoce

EVENT TIME: 08:20:00 AM

DEPT.: 43

CASE NUM: 56-2015-00465460-CU-BC-VTA
CASE TITLE: AEROVIRONMENT INC VS. TORRES

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion to Compel - (1) Defts to Answer Deposition Questions; and (II) for Additional Time to Complete the
CAUSAL DOCUMENT/DATE FILED: Motion to Compel, 06/28/2016

The morning calendar in courtroom 43 will begin at 9 a.m. Cases including *ex parte* matters will not be called prior to 9 a.m. Please check in with the courtroom clerk by no later than 8:45 a.m. If appearing by CourtCall, please call in between 8:35 and 8:45 a.m.

With respect to the below scheduled tentative ruling, no notice of intent to appear is required. If you wish to submit on the tentative decision, you can send an email to the court at: Courtroom43@ventura.courts.ca.gov or send a telefax to Judge DeNoce's secretary, Hellmi McIntyre at 805-477-5894, stating that you submit on the tentative. Do not call in lieu of sending an email or telefax. If you submit on the tentative without appearing and the opposing party appears, the hearing will be conducted in your absence. This case has been assigned to Judge DeNoce for all purposes.

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.

For general information regarding Judge DeNoce's rules and procedures for law and motion matters, ex parte matters, telephonic appearances, trial rules and procedures, etc., please visit: <http://www.ventura.courts.ca.gov/Courtroom/C43>

The court's tentative ruling is as follows:

Grant motion to compel defendants to answer deposition questions. Defendants have failed to justify their refusals to answer the questions. Grant additional time to complete the depositions of individual defendants. Plaintiff shall have an additional 3 and ½ hours to conclude the depositions of defendant Torres and McBride. Plaintiff shall have an additional 7 hours to conclude the deposition of defendant McBride.

Pursuant to Code of Civil Procedure sections 639 and 640, the court is considering appointing a discovery referee in order to resolve the ongoing discovery disputes between the parties. The Court invites comments at the hearing regarding the appointment of a discovery referee. In anticipation of the possibility of the court appointing a discovery referee, at the hearing on this matter, counsel should be prepared to submit an agreed upon referee name to the court, or, pursuant to section 640, each party shall submit to the court up to three nominees for appointment.